

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:07CR3024
v.)	
)	
DASOWN GEORGIO NIX,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Defendant has filed a motion seeking re-release on conditions. Although he was released on conditions at the commencement of this case, the order releasing him was later revoked when despite his protestations of non-use, he tested positive for use of marijuana in violation of his conditions of release. At that time the court was also notified that his participation in treatment had been marginal, at best, and he reportedly had an attitude toward treatment described as "thug/gangster-like."

In support of his present motion for release, he penned a letter to the court stating that he wants to live at a halfway house and participate in treatment. However, the court has been informed that two days after the letter was written, he had a temper outbreak and damaged jail property after the jail's phone system automatically shut down during his phone conversation. When confronted about it after the event, he denied being the person who had disrupted the housing unit and damaged the property, but his actions had been captured on a jail surveillance video, and he was subsequently identified. He is now being charged with destruction of county property.

Defendant's behavior while on release, coupled with his recent actions at the Saline County Jail, demonstrate that his release poses a threat to the safety of the community. If he cannot be trusted while in custody, he certainly can't be trusted on release.

IT THEREFORE HEREBY IS ORDERED,

The motion for release, filing 27, is denied.

DATED this 6th day of June, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge